

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

IN RE HAIN CELESTIAL HEAVY METALS  
BABY FOOD LITIGATION

Case No. 2:21-cv-00678-NM-AYS

The Honorable Nina Morrison

Served: November 7, 2022

**THE HAIN CELESTIAL GROUP, INC.'S NOTICE OF MOTION TO DISMISS  
PLAINTIFFS' CONSOLIDATED AMENDED CLASS ACTION COMPLAINT**

PLEASE TAKE NOTICE that Defendant The Hain Celestial Group, Inc. moves for an order dismissing Plaintiffs' Consolidated Amended Class Action Complaint, and each cause of action therein, pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) because: (1) Plaintiffs' claims implicate issues that fall within the FDA's primary jurisdiction; (2) Plaintiffs have not plausibly alleged a cognizable injury-in-fact sufficient to establish Article III standing; and (3) Plaintiffs have not stated a plausible claim on which relief can be granted. Hain Celestial seeks dismissal with prejudice and without further leave to amend.

MDLZ's motion is based on this Notice of Motion, the accompanying Memorandum of Law, the accompanying Request for Judicial Notice and Exhibits 1–25 thereto, the chart accompanying Hain Celestial's Request for Judicial Notice, and any further evidence or argument that Hain Celestial may present in its reply brief, in oral argument on this motion, or otherwise.

Dated: November 7, 2022

Respectfully submitted,

JENNER & BLOCK LLP

By: /s/ Dean N. Panos

Dean N. Panos (*pro hac vice*)

Kate T. Spelman (*pro hac vice*)

Alexander M. Smith (*pro hac vice*)

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The Hain Celestial Group, Inc.